

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

ALIKA SEAY,	:	
Plaintiff,	:	
	:	
v.	:	CASE NO.: 7:24-CV-33-WLS
	:	
U.S. DEPT OF VETERAN AFFS.,	:	
Defendant.	:	
	:	
	:	

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**ORDER**

Plaintiff Seay, proceeding *pro se*, filed a Complaint on April 17, 2024. (Doc. 1). No further action was taken since the filing of the Complaint, so the Court issued an Order (Doc. 2), which provided notice to Plaintiff to properly serve the Defendant in accordance with Federal Rule of Civil Procedure 4(m), which requires that service of the summons and complaint be made upon a defendant within 90 days of the filing of the complaint. Fed. R. Civ. P.4(m). Said Order (Doc. 2) also notified Plaintiff that a failure to properly serve Defendants by July 16, 2024, may result in the case getting dismissed without prejudice, without further warning or proceedings. Soon after, the Clerk issued summons for Defendant. (Doc. 3).

But instead of properly serving Defendant, as required by the Federal Rules and as instructed by the Court, Plaintiff filed an Application to Clerk for Entry of Default against Defendant. (Doc. 4). Ultimately, the Clerk declined Plaintiff's request for the clerk's entry of default because the Clerk found—and the Court finds—that Plaintiff failed to properly serve Defendant.

To date, the time for service has lapsed and Plaintiff has not provided the Court with any explanation or indication that service of process has been properly executed upon the Defendant in this action. Therefore, the Court finds that Plaintiff has failed to comply with this Court's Order and Federal Rule of Civil Procedure 4(m), which provides that "[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice." Fed. R. Civ. P. 4(m) (emphasis added). Accordingly, Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** for failure to serve the Defendants and for failure to comply with the Court's Order.

**SO ORDERED**, this 22nd day of July, 2024.

/s/ W. Louis Sands

**W. LOUIS SANDS, SR. JUDGE**  
**UNITED STATES DISTRICT COURT**